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FAX Transmission Sheet

January 5, 2005

To: Examiner Thomas M. Dougherty Fax No. (703) 872-9306
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Mutsumi KITAGAWA and Koji KIMURA
Serial No.: 10/601,125 Art Unit: 2834
Date Filed: June 20, 2003 Conf. No. 6000
Title: PIEZOELECTRIC/ELECTROSTRICTIVE FILM TYPE DEVICE AND
MANUFACTURING METHOD THEREOF
Our Docket No.: 791_225

You should receive 3 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Thomas M. Dougherty at (703) 872-9306 at the Patent and Trademark Office on *January 5, 2005*:

<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 791_225

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mutsumi KITAGAWA and Koji KIMURA

Ser. No.: 10/601,125

Art Unit: 2834

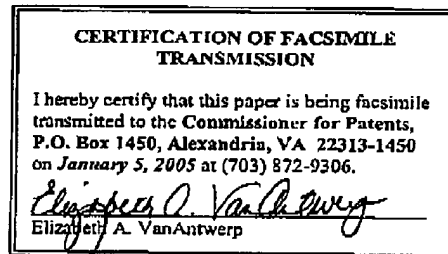
Filed: June 20, 2003

Examiner: Thomas M. Dougherty

Confirmation No.: 6000

For: **PIEZOELECTRIC/ELECTROSTRICTIVE FILM TYPE DEVICE AND
MANUFACTURING METHOD THEREOF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed December 16, 2004, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-9) in this application.

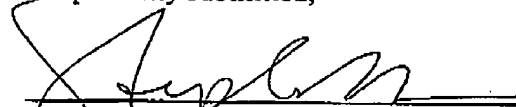
However, Applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 12 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the

merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

January 5, 2005
Date

SPB/eav

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